



### *Comments*

FW&A is a consulting firm located in Tulsa, Oklahoma that represents small rural Incumbent Local Exchange Carriers (ILECs) that operate in Kansas and Oklahoma. FW&A is participating in this proceeding because the public interest will be served if the Commission grants the petition sought by Allband Communications Cooperative (Allband).

Allband is requesting that it be treated as a Local Exchange Carrier (LEC) or Telephone Company under Commission rules so that it can become a member of the National Exchange Carrier Association (NECA) and participate in NECA tariffs and pools. In order to effect this participation, Allband is seeking a Commission waiver of Sections 69.2(hh) and 69.601 of the Commission's rules.<sup>1</sup> FW&A supports the petition of Allband because granting the petition will clearly serve the public interest for the following reasons:

1. Allband will provide service as the "Telephone Company" or "Local Exchange Carrier" to customers in an area of Michigan (the Robbs Creek exchange) that previously were not served by a Telephone Company or LEC providing local exchange service.<sup>2</sup>
2. Allband was granted a license to provide basic local exchange service in the Robbs Creek exchange by the Michigan Public Service Commission

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<sup>1</sup> Petition of Allband, dated April 1, 2005, pages 1 and 2.

<sup>2</sup> Id., page 3.

(MPSC). The MPSC stated that “Allband possesses sufficient technical, financial and managerial resources and abilities to provide local exchange service to all residential and commercial customers within the geographic area of the license...” and that “Granting Allband a license to provide basic local exchange service in the requested area will not be contrary to the public interest.”<sup>3</sup>

3. “Allband will occupy a position in the market for telephone exchange service within its proposed Robbs Creek exchange that is equivalent to the position occupied by an ILEC. Allband will be the only local exchange carrier serving this previously unserved area.”<sup>4</sup>

4. The Robbs Creek exchange will be a very low density and likely high cost to serve exchange.<sup>5</sup> Because of its expected low customer density, it will be much more efficient for Allband to rely on NECA to prepare access tariff rates, than for Allband to incur the substantial expenditures to prepare its own access tariff rates. Additionally, if Allband were to prepare its own access tariffs, because of the low customer density, usage variations from year to year would likely result in possibly significant fluctuations in access rate levels. Participation in NECA and its pool will benefit Allband and the Interexchange Carriers (IXCs) that serve Robbs Creek by permitting Allband to utilize NECA’s stable tariffed access rates.

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<sup>3</sup> Case No. U-14200, Opinion and Order of the Michigan Public Service Commission, dated December 2, 2004.

<sup>4</sup> Petition of Allband, dated April 1, 2005, page 4.

<sup>5</sup> Allband expects to serve 300 lines in the first two years of operation in a service area of 177.4 square miles. Petition of Allband, dated April 1, 2005, page 3.

Allband's proposed provision of service in the Robbs Creek exchange will advance the Act's Section 254 universal service objectives<sup>6</sup> by providing telecommunications service to previously unserved customers and is clearly in the public interest. Allband will operate in a manner equivalent to an ILEC in the Robbs Creek market. Allowing Allband to utilize NECA's pools and resources to operate in an efficient manner, as do ILECs, will advance the objectives of the Act and the public interest. The Commission should, on an expedited basis, grant the petition requested by Allband. Such an Order by the Commission is clearly in the public interest, is in the interest of the customers that live in the Robbs Creek exchange and will advance the fulfillment of the universal service requirements of Section 254 of the Act. FW&A urges the Commission to quickly grant the Allband petition.

Respectfully submitted by,

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<sup>6</sup> Communications Act of 1934, as amended in 1996, Section 254.